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Finalization and approval of the draft United Nations Convention against Transnational Organized Crime

Proposals and contributions received from Governments

Addendum

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* A/AC.254/32.

II. Proposals and contributions received from Governments

Algeria, Egypt, India, Mexico and Turkey

[Original: English]

Algeria, Egypt, India, Mexico and Turkey proposed the following indicative list of offences to be included in an annex to the United Nations Convention against Transnational Organized Crime:

1. Illicit trafficking in narcotic drugs and psychotropic substances.
2. Trafficking in persons, in particular women and children.
3. Illicit trafficking in and transport of migrants.
4. Counterfeiting of currency.
5. Illicit trafficking in or stealing of cultural objects.
6. Illicit trafficking in or stealing of nuclear materials, their use or threat to misuse them.
7. Acts of terrorism as defined in the pertinent international conventions.
8. Illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials.
9. Illicit trafficking in or stealing of motor vehicles, their parts and components.
10. Illicit trafficking in human organs and body parts.
11. All types of computer and cyber crimes and illicit access to or illicit use of computer systems and electronic equipment, including electronic transfer of funds.
12. Kidnapping, including kidnapping for ransom.
13. Illicit trafficking in or stealing of biological and genetic materials.
14. Extortion.
15. Fraud relating to financial institutions.

France

[Original: French]

Article 2: Scope of application

1. France proposes to add a new paragraph after paragraph 4 of article 2 to read as follows:

"(...) Paragraph 1 of this article shall not be construed as including the element of the transnational nature of an offence in the description of offences established under articles 3, 4, 4 *ter* and 17 *bis* or the element of the involvement of an organized criminal group in the description of offences established under articles 4, 4 *ter* and 17 *bis*."

2. The proposed new paragraph makes it possible, without altering the scope of application of the Convention, as defined in paragraph 1 of article 2, to indicate unequivocally that, while the existence of the elements of an offence's transnational nature and an organized criminal group's involvement is essential to the operation of the Convention, such elements are not relevant to the establishment of the offences themselves.

3. The paragraph is also intended:

(a) To indicate to States Parties that, when incorporating the Convention into their domestic law, they do not have to create:

(i) Any specific offences of laundering of criminal proceeds or corruption or interference with the administration of justice that are transnational in nature and involve an organized criminal group (the first component of paragraph 5); nor

(ii) Any offence of participation in an organized criminal group that is transnational in nature. There is deliberately no mention of the involvement of an organized criminal group, which would be tautological in relation to the offence of participation (the second component of paragraph 5);

(b) To avoid any risk of complication regarding the proof of offences established under the Convention.